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Protracted conflicts in the GUAM area and their implications for international peace, security and development

The situation in the occupied territories of Azerbaijan

Elimination of racism, racial discrimination, xenophobia and related intolerance

Identical letters dated 27 February 2012 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to draw your attention to the letter dated 10 February 2012 from the Permanent Representative of the Republic of Armenia (S/2012/88) in connection with the briefing by the Chairperson-in-Office of the Organization for Security and Cooperation in Europe (OSCE) to the Security Council on 9 February 2012. The curiousness of the letter is self-evident as the arguments contained therein are based on the total distortion of facts and documents and thus do not stand up to criticism.

Serious doubts arise as to the true intention behind the submission of the aforementioned letter. Thus, the day following the briefing by the Chairperson-in-Office of OSCE to the Security Council, the content of the letter, before having been made available to the States members of the Council and published in due course as its document, appeared first in Armenia's mass media outlets. Consequently, the implication here is that the Permanent Representative of Armenia, who addressed the letter to the President of the Security Council and requested its circulation as a document of the Security Council, in reality, was in a hurry to make as soon as possible excuses to his own public rather than to inform the Security Council and the broader international community about the position of his Government.

The emotional and logical imbalance of the letter is also evident. Suffice it to note at least the author's unconcealed annoyance at Azerbaijan's membership in the Security Council. However, while referring thrice in his letter to this new status of Azerbaijan, the Permanent Representative of Armenia passes over in silence the fact that his own Government preferred to step aside from competition with Azerbaijan

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and decided to withdraw its candidacy before the elections. In reality, that was a surprisingly wise decision, taking into consideration Armenia's apparent failure to meet one of the major requirements set forth in Article 23 of the Charter of the United Nations with respect to the membership of the Security Council, namely to contribute to the maintenance of international peace and security and to other purposes of the United Nations.

Furthermore, careful reading of the aforementioned letter of the Permanent Representative of Armenia reveals a number of misinterpretations and inconsistencies, usual for Armenia's propaganda.

Thus, the author of the letter distorts the title of the 2010 OSCE Astana Summit document, to which he refers (the original title is "Astana Commemorative Declaration towards a Security Community" and not "Astana Summit Declaration"). Besides, whereas the Heads of State and Government of the 56 participating States of OSCE declared in the Declaration that "increased efforts should be made to resolve existing conflicts in the OSCE area in a peaceful and negotiated manner, within agreed formats, fully respecting the norms and principles of international law enshrined in the United Nations Charter, as well as the Helsinki Final Act", the letter of the Permanent Representative of Armenia completely drops the reference to such important words as "fully respecting the norms and principles of international law enshrined in the United Nations Charter, as well as the Helsinki Final Act".

One might perceive such an editing of an agreed document as unintentional if, in reality, it were not a disturbing tendency. Among numerous facts in this regard, which the delegation of Azerbaijan is ready to share with interested Member States, suffice it to recall one of the earlier documents circulated at the request of the Permanent Representative of Armenia (A/63/781-S/2009/156), in which the title and content of the "Joint Declaration of the Republic of Armenia, the Republic of Azerbaijan and the Russian Federation" signed on 2 November 2008 by the Heads of three States, were distorted in a manner so characteristic of Armenia's propaganda (see the comments made in this regard by Azerbaijan in document A/64/475-S/2009/508, annex, paras. 9 and 10).

Furthermore, in his letter, the Permanent Representative of Armenia thanks the President of the Security Council for conve[illegible]g the annual briefing by the Chairperson-in-Office of OSCE, and also welcomes the latter's goals for 2012 and expresses readiness to work closely towards their realization. Then, having contradicted himself, the Armenian ambassador asks the curious question "what is the sense of the Azerbaijani attempt to open discussions on the Nagorno Karabakh issue in the Security Council?". It seems the Permanent Representative of Armenia has not paid sufficient attention to the content of the briefing and the statements by the members of the Security Council. Indeed, in his briefing, the Chairperson-in-Office of OSCE presented the main priorities to the attention of the Security Council, including the settlement of a number of conflicts that persist in the OSCE area, and, in this context, specifically referred to the Daghlyq Garabagh (Nagorno Karabakh) conflict. During the discussion following the briefing, the same conflict and its settlement process were mentioned also in the statements made by the representatives of France, Germany, South Africa, Togo (President of the Security Council for the month of February) and the United States of America, while some other members of the Security Council expressed their concern about the threat to security that protracted and unresolved conflicts in the OSCE area continue to

present. Accordingly, as in previous years on the same occasion, discussions on the Daghlyq Garabagh issue in the Security Council were opened by the Chairperson-in-Office of OSCE and supported by six members of the Security Council, including Azerbaijan.

Moreover, the Armenian side must be aware that, in its resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993), the Security Council not only referred to and supported the OSCE-led conflict settlement process, but also endorsed the continuing efforts by the Minsk Group of the Conference on Security and Cooperation in Europe (CSCE), including efforts to implement those resolutions. In addition, in the latest of those resolutions (884 (1993)) the Council requested "that the Secretary-General, the Chairman-in-Office of CSCE and the Chairman of the Minsk Conference continue to report to the Council on the progress of the Minsk process and on all aspects of the situation on the ground, in particular on the implementation of its relevant resolutions, and on present and future cooperation between CSCE and the United Nations in this regard".

The Permanent Representative of Armenia further groundlessly blames Azerbaijan for allegedly misinforming the members of the Security Council about the work and conclusions of the OSCE 2005 fact-finding and 2010 field assessment missions to the occupied territories of Azerbaijan. In this regard, it should be recalled that those missions visited the occupied territories on the initiative put forward by Azerbaijan within the United Nations and that Armenia, as the occupying Power, is the only addressee of the call of the Co-Chairs of the OSCE Minsk Group to refrain from actions that would change the demographic, social or cultural character of the occupied territories of Azerbaijan (such as further settlement, the erection of monuments and the changing of place names) (see A/59/747-S/2005/187, A/64/760-S/2010/211, A/65/801-S/2011/208).

It is notable that the letter from the Permanent Representative of Armenia was addressed to the President of the Security Council, which in the series of four resolutions mentioned above unambiguously condemned the use of force to occupy the territory of Azerbaijan and demanded immediate, full and unconditional withdrawal of the Armenian occupying forces from all the occupied territories of Azerbaijan. Despite attempts by the Armenian side to misinterpret the object and purpose of those resolutions, the terminology contained therein and the position of the United Nations are self-explanatory. Thus, as far back as 1994, the Secretary-General of the United Nations made it clear that "the position of the United Nations is based on four principles which have been mentioned in the different resolutions of the Security Council. The first principle is the territorial integrity of Azerbaijan. The second principle is the inviolability of the international boundaries; the third principle is the inadmissibility of the use of force for the acquisition of territory; and the fourth principle is the immediate and unconditional withdrawal of all foreign troops from occupied territories of Azerbaijan". It is obvious that Armenia is not a detached onlooker in this situation. Numerous facts leave no doubt that it is Armenia which is the occupier of the territories of Azerbaijan and that this Member State's behaviour entails its responsibility under international law.

Armenia pretends to be preoccupied with Azerbaijan's military budget increase and alleged warmongering and ceasefire violations. At the same time, it is well known that the annual defence spending of Azerbaijan remains in line with overall budget increases; that Azerbaijan continues to spend a much smaller percentage of

its gross domestic product on the army than Armenia; and that the size of the armed forces of Azerbaijan is proportional to its population, territory and length of borders and remains less than Armenia's. It is worthwhile mentioning in this regard that President Serj Sargsyan of Armenia stated, during his visit to NATO headquarters in 2010, that "[t]he Armenian army has types of ammunition that countries 10 times the size of Armenia would dream of having" (see press point with the NATO Secretary General and the President of Armenia, http://www.nato.int/cps/en/natolive/opinions_63920.htm). These words are self-explanatory. The Armenian side also omits to clarify that the arms control mechanism is not effective in the occupied territories of Azerbaijan and that Armenia deploys, beyond international control, a great number of armaments and ammunition in these territories.

In its unconvincing attempts to draw the international community's attention away from the main problems by claiming that Azerbaijan has allegedly rejected the proposal on the withdrawing of snipers from the front line, the Armenian propaganda falls into its usual forgetfulness. Otherwise, the Permanent Representative of Armenia would recollect his Government's non-compliance with the relevant resolutions of the Security Council and the General Assembly, which, inter alia, demanded immediate, complete and unconditional withdrawal of all Armenian forces from all the occupied territories of Azerbaijan, as well as with numerous documents and decisions of other international organizations calling for an end to the occupation of Azerbaijani lands.

Moreover, as we have repeatedly reported, deliberate attacks by the armed forces of Armenia against Azerbaijani civilians and civilian objects have become more frequent and violent in recent times, resulting in the killing and maiming of many inhabitants residing near the front line. It is also notable that, on a number of occasions, sniper attacks on Azerbaijani civilians and other provocative actions coincided with the intensification of peace efforts.

In reality, attempts by the Armenian side to misinterpret the norms and principles of international law and its insistence on unrealistic annexationist claims, which Azerbaijan will never accept, speak to the real intentions of the leadership of Armenia and represent an open challenge to the conflict settlement process and a serious threat to international and regional peace and security. In this context, the Republic of Azerbaijan is confident that the approaches of the international community, which are based on strict compliance with the Charter of the United Nations and international law, will never be in line with the approaches of Armenia unless the latter ceases its destructive policy of annexation and ethnic cleansing, renounces attempts to undermine the peace process and ensures that the occupation of the territories of Azerbaijan is ended and that the inalienable right of Azerbaijani internally displaced persons to return to their places of origin is recognized and implemented.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda items 35, 39 and 67, and of the Security Council.

(*Signed*) Agshin **Mehdiyev**
Ambassador
Permanent Representative